

DRAFT

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

July 19, 2011

Quarterly Board Meeting Minutes

RICHMOND POLICE ACADEMY

1202 W. Graham Road
Richmond, Virginia 23220

Call to Order

The former Chairman Christopher DiMartino called the meeting to order and on behalf of Private Security Services Advisory Board (PSSAB) welcomed everyone to the meeting.

Roll Call

The former Chairman DiMartino asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with the roll call and stated that there was a quorum.

Board Attendees

Paul Ellis, Chairman; Frank Phillips, Vice Chairman; Mary Kay Wakefield, Secretary; Nicole Bocra; Lt. Craig L. Branch; Charles Ciccotti; John Hall; Kevin Hodges; Stokes McCune; Thomas Turner; James D. (Danny) Washburn, Jr.

Absent

Joseph Maslanka, Seth Oginz and Daniel Schmitt

Election of Officers

Chairman DiMartino called for a motion to elect new officers. A motion to approve the election of new officers was made by Mary Kay Wakefield, seconded and the motion was carried.

The newly appointed/elected Officers:

- Paul Ellis, Chairman
- Frank Phillips, Vice Chairman
- Mary Kay Wakefield, Secretary

Mr. DiMartino welcomed the new officers. Mr. DiMartino thanked the Board and the Industry for allowing him to serve for eight years on the PSSAB and expressed his well wishes for the Board in the future.

Chairman Ellis thanked Mr. DiMartino for his leadership and guidance. He presented Mr. DiMartino with a plaque in appreciation of his services as a member of the PSSAB for eight years and a plaque for the two years he served as Chairman of the PSSAB.

Chairman Ellis thanked Stephen Demma for his service to the Board, working with the Training Committee and Regulations. Mr. Demma was not present to accept his plaque.

Approval of Agenda

Chairman Ellis called for a motion to approve the agenda. A motion to approve the agenda was made by Kevin Hodges, Mary Kay Wakefield seconded and the motion carried.

Approval of Minutes

Chairman Ellis called for a motion to approve the minutes from the May 17, 2011 Board meeting. A motion to approve the minutes was made by Craig Branch, Thomas Turner seconded and the motion carried.

Committee Reports

Training Committee

There was no report available.

Conference Committee

Robbie Robertson with DCJS gave the conference status details.

- 46th Annual Virginia State Crime Clinic Training Seminar
Partnership with the Virginia Department of Criminal Justice Services
Sheraton Virginia Beach Oceanfront Hotel, Virginia Beach
September 14 – 16, 2011
- Registration Deadline – September 7, 2011 – all registration must be completed by this date. No on-site registration will be available. Discounted hotel rates will be held until August 19, 2011. A 5th registration will be at no cost for companies registering 4 individuals.
- The final agenda and link to registration is available on the DCJS website: <https://www.dcjs.virginia.gov/trainingevents/ps/2011/conference/index.cfm>. Individuals wishing to attend the General Instructor In-Service and Anti-Terrorism training sessions must pre-register by August 19, 2011.
- The guest speaker scheduled during opening ceremonies is the Honorable George Foresman who was very instrumental in building private and public relationships.
- Sponsors will be acknowledged at the opening of the conference. One free conference registration is available for sponsorships of \$500.00 and above.

Communications Committee

Mary Kay Wakefield gave the Communications Committee's report.

The committee meeting was held on June 11, 2011 to discuss whether regulatory violations by licensee(s) and registrant(s) should be public knowledge. The Committee members did not think that all sanctions should be published but there was discussion in regard to (1) major violations should be published for public safety, (2) only unidentifiable statistical data should be published, or (3) no data should be published.

The committee believed that the next step was to seek undisputable consensus from the full board that a violation that was severe should be published, but based on the sanction and not the act or violation. The recommendation of the committee was that major violations; or chronic minor violations be publicized if a sanction of cease and desist or revocation was issued or if a violation was criminally prosecuted and resulted in a conviction. The committee recommends that any publication begin with ratified cases after January 1, 2012.

The committee also recommended that DCJS publish compliance statistics on a quarterly basis beginning in 2012 and provide this information during the quarterly board meetings of the PSSAB.

Ms. Wakefield concluded her report with a motion that the PSSAB endorse the Communications Committee's recommendations.

Ms. McGee advised the Board that the new web-based database system would allow for all ratified final orders to be available on-line should a consumer or client wish to view any disciplinary action or complaints by a regulated entity or individual. The recommendations of the Communications Committee is in regard to publishing a bulletin that would be made available to the industry and interested parties.

The PSSAB unanimously voted to endorse the recommendations made by the Communications Committee.

Chairman Ellis appointed Mr. Dan Schmitt to Chair the Communications Committee.

Regulatory Committee

Mr. Turner advised that there was no committee report.

Ms. Nicole Bocra and Mr. Stokes McCune volunteered to serve on the Regulatory Committee.

DCJS Report

Lisa McGee, Regulatory Manager of DCJS, gave the Department's report.

Ms. McGee welcomed all and the new Board members.

Media/FOIA

Ms. McGee reported that the Department received word that a registered private security officer was killed on Wednesday, July 13, 2011 in Roanoke and provided condolences to the family, friends and co-workers of the security officer on behalf of the Department.

PSSAB Reference Manual Updates

Updated documents were distributed to the Board members for replacement in the PSSAB Reference Manual. The updated material included staff listing, PSSAB member list, Criminal Justice Services Board member list and Virginia Code §9.1-138 (et seq.) governing Private Security Services and §9.1-185 (et seq.) governing Property and Surety Bail Bondsmen.

DCJS Agency “Open House”

The June 9th Open House was successful with more than 300 in attendance. The regulated areas under the authority of the Division of Regulatory Affairs were well represented.

Enforcement and Compliance

Ms. McGee provided the Board with the following statistical information for the first 6 months of 2011:

- 187 cases opened
- 95 Investigative reports completed
- 139 cases adjudicated (100 founded)
- 15 cease and desist orders issued
- 16 revocations/suspensions

Investigators are working with Law Enforcement agencies in their areas to identify unlicensed activities in the nightclubs. The investigators will continue to work in their respective regions in partnership with other state and jurisdictional agencies to enforce and maintain compliance in all areas of the regulated industries in the Commonwealth.

The Division was continuing to address compliance issues with the Electronic Security industry (summer sales) and the Locksmiths. The Department held a meeting with the Attorney General’s office to seek additional assistance. Mr. Baker reminded the Board that these issues were across the nation and Virginia was moving forward to find a resolution.

Investigator Haymore reported that Virginia Beach released public service announcements on Electronic Security and Locksmith. He stated that the announcements brought awareness to the public of the unlicensed activities in the Virginia Beach area.

IASIR Conference

Virginia is hosting the 2011 International Association of Security and Investigative Regulators’ (IASIR) conference at the Crowne Plaza in Alexandria, VA, November 1st – November 4th. The Board was advised that additional information would be provided once it became available.

Web-based Application Database

The new web-based system is still on target for rollout on September 6, 2011. The new system would allow for all applications with the exception of Fingerprint Processing applications and Training Waiver applications to be accessible on-line. The Department would provide additional information to the industry prior to the official roll-out.

Acts of the Assembly

Code amendments – effective July 1, 2011:

Chapter 263-HB 2271- §§9.1-138 and 9.1-140 of the Code of Virginia are amended to define “Computer or digital forensic services” and exempt those engaged in those services from regulatory authority of DCJS.

Chapter 623-HB 2437- §§9.1-185.8 of the Code of Virginia amended to define a bail premium and provides that a licensed bail bondsman shall not charge less than 10% or more than 15% of the amount of the bond. Also prohibits a licensed bail bondsman from loaning money with interest for the purpose of helping another obtain a bail bond premium.

Chapter 854-SB 1163- §§ 9.1-102, 9.1-150, and 9.1-176 of the Code of Virginia amended and reenacted to provide that “Any person required to be licensed, certified or registered by the Board pursuant to this article who violates any statute or Board regulation who is not criminally prosecuted shall be subject to the monetary penalty provided in this section. If the Board determines that a respondent is guilty of the violation complained of such person has violated any statute or Board regulation, the Board shall determine the amount of the monetary penalty for the violation, which shall not exceed \$2,500 for each violation. The penalty may be sued for and recovered in the name of the Commonwealth. The monetary penalty shall be paid into the state treasury to the credit of the Literary Fund in accordance with § 19.2-353.”

This bill gives DCJS the authority to go beyond just the “cease and desist” order for unlicensed and/or unregistered activity to issuing monetary penalties for regulation violations.

PSSAB Vacancy

The Criminal Justice Services Board requested that the locksmith representative vacancy be re-advertised to broaden the applicant pool. The advertisement will be posted on the DCJS website within the next two weeks providing a 30-day response period.

Applications for appointment will be submitted to the Criminal Justice Services Advisory Board for appointment to be made at the CJSB meeting on September, 15, 2011.

DCJS Staff

The Board was advised that the Division would be conducting interviews during the week of July 25th in order to hire three part-time investigators. The Division is seeking to fill two positions in the Northern region and one in Tidewater.

Ms. McGee concluded the DCJS report and formally introduced, Director Garth Wheeler, Chief Deputy Director Debra Gardner Investigator Tim Haymore and Adjudication Coordinator, Robert Tortolani and thanked each of them for their attendance.

Director Garth Wheeler’s Comments:

Director Garth Wheeler greeted the Board and attendees. Mr. Wheeler congratulated the new Board members. He stated that the Attorney General's Office would assist with the funding for public service announcements focusing on Locksmiths. In addition, he advised the Board that he and Mr. Baker are meeting with the Virginia Beach Commonwealth Attorney's Office to discuss ideas/plan to control unlicensed Private Security activities and use it statewide and present for discussion at the Commonwealth Attorney's Fall Conference.

Director Wheeler commended the PSSAB for their patience and due diligence.

Old Business

There was no old business to discuss.

New Business

Board Procedures

Chairman Ellis requested the board members to review the Private Security Services Advisory Board procedures for streamlining and restructuring of Board Assignments, Committees, Committee timelines and suggestions and to be prepared to discuss at the next PSSAB meeting.

Board Comments/ Discussion from the Board

Special Conservators of the Peace (SCOP)

Mr. Tom Turner commented on the news report by the Washington Post about Virginia Special Conservators of the Peace (SCOP): http://www.washingtonpost.com/local/dc-politics/virginia-conservators-have-police-powers-raise-questions-in-the-washington-area/2011/06/15/AGfA6XmH_story.html

An Alexandria judge signed a three-page order appointing a "special conservator of the peace," giving him the authority to make arrests without a warrant, direct traffic, use flashing red and white police lights, and carry a gun on duty. Subsequently, the SCOP was arrested by the D.C. Officers for impersonating a Police Officer.

Mr. Turner stated that § 19.2-13 and §19.2-14 of the Virginia Code should bring clarification to this issue.

Mr. Baker advised the Board that the management would be meeting with members of the Supreme Court and Attorney General's office to discuss the Special Conservator of the Peace program and consideration of utilizing a state issued appointment order.

Proposed Regulations Relating to Private Security Services

Chief Deputy Director Debra Gardner advised the Board that the regulations are currently with the Governor's policy staff and they are very methodical in reviewing the regulations. The Department will keep the Board informed of any further actions.

DCJS website

Mr. Frank Phillips requested that the PSSAB meetings be listed on the Department's calendar in addition to the public notices.

Public Comments:

Mr. Stan Corn commented that the set-up of the meeting room was not acoustically conducive.

Mr. DiMartino commented that Training Schools have inquired about Private Security's access to Police shooting ranges. He stated that it would increase the relationship between private and public sector.

Ms. Delores Randolph commented that the majority of Police shooting ranges are privately owned and that it is up to each one to seek the approval for use of their range.

Announcements:

The next PSSAB meeting is scheduled for September 14, 2011, 10:00 a.m – 11:30 a.m. in conjunction with the 46th Annual Virginia State Crime Clinic Training Seminar in Partnership with Virginia Department of Criminal Justice Services Crime Clinic Conference, Sheraton Virginia Beach Oceanfront Hotel, 3501 Atlantic Avenue, Virginia Beach, VA 23451, (757) 425-9000. The agenda will be distributed at a later date. All meeting information will be posted on Town Hall.

The Virginia Campus Security Officer Certification Training (CSO)-deadline is January 2011:

08/01/2011 – 08/03/2011

The Hampton Roads Convention Center
1610 Coliseum Drive
Hampton, VA 23666

09/06/2011 – 09/07/2011

John Tyler Community College – Midlothian Campus
800 Charter Colony Parkway
Midlothian, VA 23114
8:30 AM – 5:00 PM

11/09/2011 – 11/10/2011

Wytheville Community College
1000 East Main St.
Wytheville, VA 24382
8:30 AM – 5:00 PM

Adjournment

Chairman Ellis called for a motion to adjourn the meeting. A motion to adjourn was made by Kevin Hodges. Craig Branch seconded and the meeting was adjourned.

Meeting Attendees:DCJS Staff

Garth Wheeler, Director
Debra Gardner, Deputy Director
Leon Baker, Division Director
Lisa McGee, Regulatory Manager
Brenda Cardoza, Administrative Assistant
Tim Haymore, Field Investigator
Robbie Robertson, Field Investigator
Bob Tortolani, Adjudication
Burt Walker, Field Investigator

Industry Attendees

Ray Ash
Monica Cook
Ken Cook
Stanley R. Corn
Jack Ebbert
Brent Fortner
John Kochensparager
Pete Lupica
Delores Randolph
Jim Rowe
William Scouten
Ronald L. Zaremba

Respectfully submitted,
Brenda Cardoza, Board Clerk